

HONORABLE RICHARD A. JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,

vs.

BARNES & NOBLE, INC.,
BARNESANDNOBLE.COM LLC, HON
HAI PRECISION INDUSTRY CO., LTD.,
FOXCONN INTERNATIONAL
HOLDINGS LTD., FOXCONN
ELECTRONICS, INC., FOXCONN
PRECISION COMPONENT (SHENZHEN)
CO., LTD., and INVENTEC
CORPORATION,
Defendants.

Case No. 11-485 RAJ

(PROPOSED) ORDER GRANTING
DEFENDANTS' MOTIONS FOR STAY

**NOTED FOR:
FRIDAY, JUNE 3, 2011**

This matter came before the Court on a motion filed by Defendants Barnes & Noble, Inc. and barnsandnoble.com LLC and a separate motion filed by Defendants Hon Hai Precision Industry Co., Ltd.; Foxconn International Holdings Ltd.; Foxconn Electronics, Inc., and Foxconn Precision Components (Shenzen) Co., Ltd. requesting that this action be stayed in its entirety pursuant to 28 U.S.C § 1659(a) (the "Motions for Stay") pending resolution of a parallel ITC investigation: *In the Matter of Certain Handheld Electronic Computing Devices, Related Software, and Components Thereof*, Inv. No. 337-TA-769 (the "ITC Action").

(PROPOSED) ORDER GRANTING
DEFENDANTS' MOTIONS FOR STAY - 1

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL., (206) 623-1700 FAX, (206) 623-8717

1 The Court has considered the pleadings filed in support and in response to the Motions
2 for Stay and therefore deems itself fully advised. Based on the pleadings submitted:

3 IT IS HEREBY ORDERED that the Motions for Stay are GRANTED and this action
4 shall be stayed in its entirety until the Commission's determination in the ITC Action becomes
5 final.

6 IT IS FURTHER ORDERED that such stay shall be without prejudice to Microsoft's
7 ability to proceed with service on any defendant once the stay has been lifted. No deadline for
8 effecting service on any defendant is hereby established. Any time limitation for service that
9 might otherwise apply is tolled until 120 days after the stay is lifted.

10 DATED this ____ day of June, 2011.

11
12 _____
HONORABLE RICHARD A. JONES

13 Presented by:

14
15 DANIELSON HARRIGAN LEYH & TOLLEFSON LLP

16
17 By /s/ Christopher Wion
18 Arthur W. Harrigan, Jr., WSBA #1751
19 Christopher Wion, WSBA #33207
Shane Cramer, WSBA #35099

20 T. ANDREW CULBERT (WSBA #35925)
andycu@microsoft.com

21 DAVID E. KILLOUGH (WSBA #40185)
davkill@microsoft.com

22 MICROSOFT CORPORATION
23 1 Microsoft Way
Redmond, Washington 98052
24 Telephone: 425-882-8080
Facsimile: 425-869-1327
25

(PROPOSED) ORDER GRANTING
DEFENDANTS' MOTIONS FOR STAY - 2

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL., (206) 623-1700 FAX, (206) 623-8717

1 JEFFREY W. LESOVITZ (*pro hac vice*)

jlesovitz@woodcock.com

2 DALE M. HEIST (*pro hac vice*)

dheist@woodcock.com

3 DANIEL GOETTLE (*pro hac vice*)

dgoettle@woodcock.com

4 ALEKSANDER J. GORANIN (*pro hac vice*)

agoranin@woodcock.com

5 WOODCOCK WASHBURN LLP

2929 Arch Street, 12th Floor

6 Philadelphia, PA 19104

Telephone: 215-568-3100

7 Facsimile: 215-568-3439

8 DAVID T. PRITIKIN (*pro hac vice to be filed*)

dpritikin@sidley.com

9 RICHARD A. CEDEROTH (*pro hac vice to be filed*)

10 rcederOTH@sidley.com

DOUGLAS I. LEWIS (*pro hac vice to be filed*)

11 dilewis@sidley.com

JOHN W. MCBRIDE (*pro hac vice to be filed*)

12 jwmcbride@sidley.com

SIDLEY AUSTIN LLP

13 One South Dearborn

Chicago, IL 60603

14 Telephone: 312-853-7000

15 Facsimile: 312-853-7036

16 BRIAN R. NESTER (*pro hac vice to be filed*)

bnester@sidley.com

17 KEVIN C. WHEELER (*pro hac vice to be filed*)

kwheeler@sidley.com

18 SIDLEY AUSTIN LLP

1501 K Street, NW

19 Washington, DC 20005

20 Telephone: 202-736-8000

Facsimile: 202-736-8711

21 Attorneys for Microsoft Corporation

22
23
24
25
(PROPOSED) ORDER GRANTING
DEFENDANTS' MOTIONS FOR STAY - 3

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL., (206) 623-1700 FAX, (206) 623-8717